

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

May 13, 2009

The meeting was called to order at 4:01 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Brent Fuller, Jack Matheson, Terri Mills, Phil Conder,
Mary Jayne Davis, and Joe Garcia

ABSENT:

Jason Jones

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Pastorik, Hannah Thiel, and Nichole Camac

WEST VALLEY ADMINISTRATIVE STAFF:

Nicole Cottle, Deputy City Attorney
Claire Gillmor, Assistant City Attorney

AUDIENCE

Approximately fifteen (15) people were in the audience

GENERAL PLAN/ZONE CHANGE APPLICATION

GPZ-1-2009

Dan Northrup and Kelly Jensen

5221 West 3500 South

General Plan change from residential office to neighborhood commercial

Zone Change from RB to C-1

0.66 Acres

Dan Northrup and Kelly Jensen have submitted a General Plan/zone change application for a 0.66 acre parcel located at 5221 West 3500 South. The property is currently zoned RB (residential business) with a General Plan designation of residential office. The proposed zone is C-1 (neighborhood commercial) and the proposed General Plan designation is neighborhood commercial.

Surrounding zones include R-1-8 (single family residential, minimum lot size 8,000 square feet) to the west and south; RB to the east; and C-1, R-1-8, and RB to the north. Surrounding land uses include single family homes to the west and south, a single family home that is being converted to an insurance office to the east, and a veterinarian hospital and single family homes to the north.

The subject property was rezoned from R-1-8 to RB in 2002. The concept plan for the property at that time included two office buildings totaling 4,200 square feet. Two Board of Adjustment cases were approved for this property in 2006. The first was a variance to allow the proposed new building to be built right on the south property line. The second was for a modification of a non-conforming use. The approved request was to demolish the existing safety inspections and emissions building, which was non-conforming, and rebuild it as part of new building that would also include office uses.

Attached to this report is a letter from the applicants stating why they believe this application should be approved. Rezoning the property would grant the applicants more tenant options for possible leases.

For means of comparison, the following table lists the permitted, conditional, and prohibited uses for the RB and C-1 Zones. Uses that are highlighted are ones that are not allowed under the RB Zone but are allowed under the C-1 Zone.

Use	RB Zone	C-1 Zone
Commercial indoor recreation	Prohibited	Conditional
Community uses	Permitted	Permitted
Convenience stores	Prohibited	Conditional
Day/care/pre-school centers	Conditional	Permitted
Financial institutions	Permitted	Permitted
Greenhouses; garden supplies	Prohibited	Conditional
Hospitals	Conditional	Prohibited
Household pets	Permitted	Prohibited
Medical clinics	Conditional	Permitted
Neighborhood grocery	Prohibited	Permitted
Neighborhood service establishment	Prohibited	Permitted
Nursing homes	Permitted	Conditional

Permanent cosmetic establishments	Prohibited	Conditional
Planned unit developments	Conditional	Prohibited
Professional offices	Permitted	Permitted
Public utility installations	Conditional	Conditional
Reception centers	Conditional	Prohibited
Residential facilities for elderly persons	Permitted	Prohibited
Restaurants	Prohibited	Conditional
Retail stores	Prohibited	Conditional
Sale/storage of fuel	Prohibited	Conditional
Shopping centers	Prohibited	Conditional
Signs	Permitted	Permitted
Single family dwellings	Permitted	Prohibited
Supermarket	Prohibited	Conditional
Temporary uses	Permitted	Permitted
Veterinary hospitals/indoor kennels	Prohibited	Conditional

Generally speaking, the RB Zone is geared toward residential and non-retail commercial with banking type hours. The C-1 Zone prohibits residential use and allows retail commercial where hours can extend beyond banking hours.

The General Plan recommends that retail uses for the west portion of 3500 South be centered around major intersections like 5600 West, 6400 West, and 7200 West. Between 5000 West and 5450 West along 3500 South, the General Plan specifically states: “office and medium density residential between 2 to 3 stories in height.”

This situation is somewhat unique from most rezone applications in that the property is already developed. Hence, the primary issue really is whether or not the additional allowed uses and longer hours are appropriate at this location.

The following is a list of items to consider when reviewing this application:

- The property is located on the corner of a signalized intersection.
- Building Code requires a second exit for any business with more than 50 people. Since there are no exits on the rear of the building, the Building Code will prohibit uses with over 50 people.
- The property is already developed in a strip mall type configuration.
- Given the layout of the property and the amount of parking provided, uses like restaurants or gas sales aren’t likely without the property redeveloping.
- With the neighboring residential uses, the later hours allowed in the C-1 Zone could be problem.

Staff Alternatives:

1. Approval of the General Plan/zone change.
2. Continuance, for reasons determined during the public hearing.
3. Denial, office uses are more appropriate at this location.

Applicant:

John Northrup and John Kelly Jensen
13579 Ivy Manor Lane
Draper, UT 84020

Discussion: Steve Pastorik presented the application. Jack Matheson asked if any complaints have been made by residents in reference to the emissions building. Steve replied that he is unaware of any problems reported by neighbors. Phil Conder asked how late something could potentially be open in the 'C-1' zone. Steve replied that there is no limit to closing times and something could possibly stay open 24 hours. Commissioner Conder stated that the 'RB' zone was intended as a buffer to the neighboring residential properties. He expressed concern allowing a 'C-1' zone with a more intensive use to be permitted so close to residents. Mary Jayne Davis added that it would be helpful if the Planning Commission knew the type of business that would go into the building.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Fuller moved for denial and encouraged the applicant to return with potential tenants.

Commissioner Conder seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous -GPZ-1-2009- Denied

ZONE CHANGE APPLICATION

Z-3-2009

Russell and Shelley Bawden
6374 West Timmerman Place
A to R-1-8
0.24 acres

Russell and Shelley Bawden are requesting a zone change for a 0.24 acre parcel at 6374 West Timmerman Place from A (agriculture) to R-1-8 (single family residential, minimum lot size 8,000 square feet). Surrounding zones include A to the north, west, and a portion of the south and R-1-8 to the east and the remaining south portion. Surrounding land uses include single family homes. The subject property is designated as low density residential in the West Valley City General Plan. The subject property includes a home and a detached garage.

Attached to this report is a letter from the Bawdens explaining why they are requesting the zone

change. Basically, they would be requesting R-1-8 Zoning so they can build an attached garage under the R-1-8 Zone setbacks instead of the A Zone setbacks. Also attached to this report is a site plan showing the existing structures and the proposed, attached garage.

Staff Alternatives:

Approval of the zone change from A to R-1-8.

- Continuance to address issues raised during the public hearing.

Applicant:

Russell and Shelley Bawden
6374 W. Timmerman Place
West Valley City, UT 84128

Discussion: Steve Pastorik presented the application. The applicant had nothing further to add and the Planning Commission had no additional concerns.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Matheson moved for approval of the zone change from 'A' to 'R-1-8'.

Commissioner Mills seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous -Z-3-2009– Approved

CONDITIONAL USE APPLICATIONS:

C-8-2009

Colt Plaza Pole Sign

2917 South Glen Eagles Drive

General Commercial Zone, approximately 20 acres for commercial complex

Staff Presentation by Hannah Thiel, Planner II

Background

Joseph Cunningham, representing 5600 Associates LLC, is requesting a conditional use amendment for a third pole sign that is proposed to be located at 2917 South Glen Eagles Drive in the Colt Plaza commercial development. The site was initially approved for a conditional use in 2007 for the third phase of Colt Plaza (C-5-2007). Pole signs are allowed in the general commercial zone, on at least 10 acres, with a conditional use approval.

The applicant is requesting a twenty-five foot tall pole sign approximately seven hundred and ninety feet to the north of the existing pole sign on 5600 West and approximately one hundred and eighty feet from the closest existing monument sign. Per ordinance, a commercial development may have one pole sign per frontage. Colt Plaza phases 2 and 3 are considered one commercial development and have 4 frontages. Although the pole sign is the second sign proposed on 5600 West, it is the policy of staff to allow an additional pole sign on a frontage if the property has frontage on another right of way, and the pole sign can be 'moved' or 'borrowed' from that frontage and placed on the proposed frontage. The sign is proposed in a landscaped area. The applicant is also requesting a monument sign for Verizon wireless on the same parcel located approximately sixty five feet from the proposed pole sign. This sign is proposed in a landscaped area as well. The minimum setback for a twenty five foot tall pole sign is twenty feet from the property line or in this case back of sidewalk. The minimum setback for a five foot monument sign is five feet from property line. The applicant has roughly indicated on the attached site plan where he would like to place the proposed pole and monument sign. To adequately meet the minimum setbacks, staff would recommend that the pole sign and monument sign trade locations on the proposed site plan. The proposal for the addition of these two signs results in the maximum allowed pole signs and monument signs on 5600 West. If any additional signs are requested in the future they will have to alter an existing sign to create a multitenant sign or replace an existing monument sign as the signs proposed meet the maximum number of signs allowed on the 5600 West frontage.

Staff's concern with the proposed application is regarding the right of way widening for 5600 West. The Utah Department of Transportation has reviewed this application and has indicated that they would like the applicant to enter into a delay agreement with the City for the property owner to move the signs when the right of way is widened. This request is compatible with City Ordinances.

Planning Commission Concerns

The Planning Commission has expressed concern in the Study Session on May 6, 2009. The concern was in regard to allowing more than one pole sign per frontage.

Recommendations/ Staff Alternatives

- Approval subject to any issues raised at the public hearing as well as the following conditions:
 - That the pole sign shall meet the Sign Ordinance requirements, and that the applicant obtain a sign permit.
 - That the location of the pole sign and monument sign, as proposed by the applicant, switch locations on the site.
 - That the applicant shall obtain a delay agreement through the City for the relocation of the signs at the time the road is widened.
- Continuance, for resolution of any issues that may arise at the public hearing.
- Denial of the Conditional Use Amendment based on detrimental impacts the Planning Commission may foresee.

Applicant:

Joseph Cunningham
4139 S. Colt Court
West Valley City, UT 84120

Discussion: Hannah Thiel presented the application. Phil Conder asked how many signs there are on other frontages for this commercial complex. Hannah replied that each parcel is allowed one monument sign and each frontage is allowed one pole sign. She explained that there could be a maximum of 4 pole signs for this project based on the number of frontages and the applicant currently has 3. Commissioner Conder clarified that there couldn't be any more pole signs on 5600 West if this application were approved. Hannah replied that this is correct.

The applicant, Joseph Cunningham, stated that there is no intention for any additional signage after the two proposed in this application. He explained that they would prefer not switching the locations of the monument and pole sign because the pole sign would not be effective in front of the building. Mr. Cunningham indicated that the pole sign will service 5 businesses, two existing now and 3 proposed in the future. Hannah explained that setbacks are measured from the back of the sidewalk and not the back of the curb and if the applicant is able to meet the setback requirements staff doesn't have a problem with the signs staying at their current proposed locations. Terri Mills commented that she feels this is a nice development with attractive features and is concerned with adding additional signage that may not be necessary until more tenants move in. Mr. Cunningham replied that the sign would be utilized by the car wash, Five Guys Burgers and Fries, and a lube business. Part of the application is to provide Verizon Wireless with their sign and he added that he doesn't have a problem waiting to install the pole sign until it can be reasonably filled. Joe Garcia questioned if existing signage would accommodate the car wash and Five Guys restaurant. Mr. Cunningham replied that the sign is not in the appropriate location as far as access to these businesses. Jack Matheson commented that it is an attractive sign and fits well with the development.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval subject to items 1 and 3 on the staff report and reiterating that all setback requirements must be met.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous -C-8-2009– Approved

C-12-2009

**Tobacco, Tattoo, Piercing, Coffee Shop
3370 South Redwood Road
Transitional Commercial Zone, 0.76 acres
Staff Presentation by Hannah Thiel, Planner II**

Background

Barney Walker is requesting a conditional use amendment for a Tobacco, Tattoo, Piercing, and Coffee Shop that is proposed to be located at 3370 South Redwood Road. The site was initially approved for a conditional use in 1968 (C-4-1968). Tattoo and piercing shops are allowed in the C-3, or transitional commercial zone, with a conditional use approval.

The applicant requested a drive through feature for the coffee component of the business on the north side of the building. However, the drive width is too narrow for a drive through component and to serve as an access way for the adjacent building to the north. The applicant is not currently proposing any exterior changes to the building or site other than installing updated wall signs for his business. The landscape area in the front and on the south side of the building needs maintenance. It is not possible to count the number of parking lot stalls on site as the paint has been worn away and the parking lot has multiple pot holes that need repair. The building has some graffiti on the south wall that needs to be cleaned and painted over. A solid fence is located between the subject parcel and the residential property on the northwest side of the property.

Staff has received a call from a nearby resident as well as a letter from a nearby business who are concerned with the proposed application. The concern is regarding the image of this type of use and the potential gang activity and loitering that the use might bring to the area.

The property on the South, North, and West sides of the project are zoned C-3 and are designated General Commercial under the General Plan. The property on the Northwest side of the project is zoned R-1-6 and is designated Low Density Residential. The property to the East of 3370 South Redwood Road is zoned C-2 and is designated General Commercial under the General Plan. As the property on all sides of the project is zoned for commercial uses, staff does not see this use adversely affecting neighbors or neighboring zones. The Northwest side of the project is zoned residential, but staff does not see this adversely affecting the residential uses as the proposed shop is located next to Redwood Road with another building buffering the residential use to the West.

Planning Commission Concerns

The Planning Commission has expressed concern in the Study Session on May 6, 2009. The concern was in regard to the layout and setup of the uses within the building. The Commission would like to see a floor plan of the building that would show how the uses would fit together.

Recommendations/ Staff Alternatives

- Approval subject to any issues raised at the public hearing as well as the following conditions:
 - That any future parking spaces striped on the property are striped in accordance to West Valley City ordinances and that an accurate and scaled site plan is submitted prior to installation, indicating exactly where and how many spaces are added, modified, or removed.
 - That the site's parking lot shall be repaved and striped and that the applicant shall meet all requirements and acquire all necessary permits for the Engineering Department, in particular, for site drainage and storm water management. This would require the applicant to submit engineered drawings to be reviewed by the Engineering Department.

- That the applicant acquire all necessary permits for any building or alterations to the building through Building Inspections, and the Fire Department prior to obtaining a business license.
 - That the applicant shall meet all West Valley City Codes and Ordinances applicable to the use and site.
 - That a valid West Valley City Business License be reviewed and approved prior to any business operations.
 - That lighting shall be installed in the parking lot per the West Valley City Ordinances to prevent potential crime on site.
 - That the landscape area in the front and on the south side of the building be maintained with grass, shrubs, and trees per the West Valley City High Image Arterial Street Ordinance.
 - That the graffiti on the south wall of the building be painted over or cleaned off the building and that the building shall be painted a unified color.
 - That the Planning Commission reviews this application upon receipt of valid unresolved complaints.
- Continuance, for resolution of any issues that may arise at the public hearing.
 - Denial of the Conditional Use Amendment based on detrimental impacts the Planning Commission may foresee.

Applicant:

Barney Walker
2826 Allred Circle

Favored- Property Owner

Jason Hook
5551 S. Danube Dr.
Taylorsville, UT 84118

Opposed

Frank McCullough
678 E Vine St.

Neutral

Ann Brown
5990 W. 3500 S.

Favored

Brook Walker
1355 N. 390 E.
Pleasant Grove, UT

Discussion: Hannah Thiel presented the application. Phil Conder asked if there is any graffiti on the wall between the residential neighbors and this property. Hannah replied that she isn't sure but there could be. Commissioner Conder indicated that it may be beneficial to add the removal of any graffiti on the walls as a condition of approval as well.

The property owner of this land and the neighboring Westerner business, Jason Hook, stated that the wall Mr. Conder is referencing is not part of his property. He indicated that the parking lot needs a lot of work but he has been unable to get a loan to pay for repaving it. He explained that without a viable long term tenant, the bank will not approve any financing. Mr. Hook stated that he has plans for getting the building repainted, the wood panels stained, the landscaping up to standard, and fixing the potholes that were created over the winter. Commissioner Conder asked if this parking lot

is used for The Westerner parking as well. Mr. Hook replied that this parking lot has always been utilized for the Westerner and added that the parking lot often gets crowded on Friday and Saturday nights. He indicated that there is already lighting around the parking lot for existing patrons. Joe Garcia asked if the bank required a certain length of time for a tenant to occupy the building before they would be willing to provide a loan. Mr. Hook replied that they simply stated it would need to be a reasonable amount of time and he feels a year would be a safe assumption. He added that The Westerner currently financially supports both properties. Mr. Hook questioned why other businesses in the area have not had to meet these proposed standards as well. Hannah replied that everything is in the ordinance and Code Enforcement may not have gotten to those businesses yet. Jack Matheson added that some businesses are a permitted use while this is a conditional use in this zone. Hannah explained that conditional use amendments run with the land and staff will look if there is a cross access agreement in the deed for the Westerner to park in this parking lot. She added that a conditional use is good for a year and if the Planning Commission feels it is necessary, they could put a timeline on the repaving of the parking lot. Jack Matheson commented that the City Engineering Department may require a grading and drainage plan as well as an evaluation of lighting. He explained that repairing the potholes most likely won't suffice. Mr. Hook replied that The Westerner has been in business for a long time and is now struggling to survive. Repaving the parking lot will be impossible due to cost. Harold Woodruff stated that staff must figure out the number of stalls needed for the parking lot and the rest is up to the Engineering Department, not the Planning Commission.

The applicant, Barney Walker, stated that he has put everything on hold because of the parking lot issue. He indicated that he would do what he could to ensure everything is acceptable. Chairman Woodruff suggested that he provide a floor plan so that staff can determine parking requirements.

Frank McCullough stated that he represents Stor-N-Lock, a business that neighbors this property. He indicated that his company has significantly improved their property and have been frustrated that little has been done with this lot. Mr. McCullough stated that conditional use applications provide an opportunity to enhance the beauty of the City and he feels this use is not compatible with the surrounding area and will not be properly cleaned up unless required prior to the opening of the proposed business. He added that Stor-N-Lock has had to chain their business up at night to prevent Westerner patrons for utilizing their parking lot. He feels this property has been visually declining over the past few years and is against allowing this use at this location.

Brook Walker, a representative for Up In Smoke, stated that there is a typical stereotype that comes with this type of business. He explained that the applicant will be putting up new signs, cleaning up the landscape, and fixing the building and indicated that this is a big improvement to the empty, rundown lot that is there now. Mr. Walker added that the use is complimentary to the Westerner Bar next door and the liquor store across the street. Mr. Walker added that the Up In Smoke stores around the valley must meet a high standard as far as appearance. Chairman Woodruff replied that the City is not stereotyping the type of business and explained that this is the process that any business requiring a conditional use must go through.

Ann Brown, a residential neighbor, commented that pavement is expensive. She expressed concern that the proposed store and The Westerner would be open at the same

time. Ms. Brown stated that requiring the applicant to repave the entire parking lot would likely put the owner out of business and asked if it could be gravel instead. Chairman Woodruff replied that gravel would not be allowed.

Mr. Hook stated that Mr. McCullough's employees have parked on his parking lot as well. He stated that he tries to be a good neighbor because being in the bar business generally has a negative rep. He indicated that Redwood Road used to be a thriving business location and providing new tenants is the first step to regaining that standard.

Commissioner Conder suggested that staff look into whether or not the RDA Department can help with a project like this. Brent Fuller stated that all information provided has been useful but he feels nothing can be decided on until a floor plan is determined for parking. Commissioner Matheson agreed and added that a floor plan of the Westerner and the mattress business will also need to be required. Commissioner Garcia added that staff should also look into the cross access agreement. Nicole Cottle stated that the ordinance allows this because parking must be properly utilized and the conditional use application makes the problem pertinent.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Mills moved for continuance to allow the applicant time to submit floor plans to help conclude parking issues and any other concerns that arose during the hearing.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	No
Commissioner Mills	Yes
Chairman Woodruff	Yes

Majority -C-12-2009- Continued

PLANNING COMISSION BUSINESS

Approval of minutes from March 25, 2009 (Regular Meeting) **Approved**

Approval of minutes from April 8, 2009 (Regular meeting) **Approved**

Approval of minutes from April 15, 2009 (Study Session) **Approved**

Approval of minutes from May 6, 2009 (Study Session) **Approved**

There being no further business, the meeting adjourned at 5:17 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant